

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
June 10, 2004

ITEM: 10

SUBJECT: San Elijo Joint Powers Authority: Administrative Assessment of Civil Liability containing a \$3,000 Mandatory Minimum Penalty against the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility for violation of an effluent limitation established by Order No. 99-71, NPDES No. CA0107999, Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0195) (Rebecca Stewart)

PURPOSE: The Regional Board will decide whether to accept The San Elijo Joint Powers Authority's signed waiver of a public hearing and \$3,000 payment in settlement of the allegation in Revised Administrative Civil Liability Complaint No. R9-2004-0067 (Document No. 4)

PUBLIC NOTICE: A public notice was published in the San Diego Union Tribune on May 8, 2004. The 3-day public comment period will end June 3, 2004. The item has also been posted on the Regional Board web page.

DISCUSSION: On May 14, 2004 the Executive Officer issued Revised Complaint No. R9-2004-0068 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$3,000 against the San Elijo Joint Powers Authority for one violation of the total suspended solids effluent limitation contained in Order No. 99-71. The violation occurred on January 19, 2000 and is considered a serious violation requiring a mandatory minimum penalty of \$3,000 pursuant to Water Code section 13385(h).

On May 19, 2004 the San Elijo Joint Powers Authority waived its right to a public hearing and paid the assessment of civil liability proposed in the revised Complaint.

A Complaint was first issued on March 12, 2004 citing three

violations (one total suspended solids and two settleable solids) that occurred in September 2000. San Elijo provided documentation supporting a third party defense, which exempts the violations from mandatory minimum penalties pursuant to Water Code section 13385(j)(1)(C). The mandatory minimum penalties for these violations were deleted from the revised Complaint.

If the Regional Board does not adopt the tentative Order accepting San Elijo's settlement, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS:

None.

COMPLIANCE
RECORD:

The San Elijo Water Reclamation Facility treats residential and commercial wastewater generated in the Solana Beach, Rancho Santa Fe and Cardiff communities. The facility is permitted to discharge up to 2.48 million gallons per day (MGD) of tertiary treated wastewater to recycled water uses and up to 5.25 MGD of secondary effluent to the Pacific Ocean through the San Elijo Ocean Outfall.

Since January 2000, the San Elijo Joint Powers Authority has reported eight effluent limitation violations for this facility. All of the violations have been for total suspended solids or settleable solids. Two violations occurring in August 2000 were previously assessed a \$6,000 mandatory minimum penalty. There have been no effluent limitation violations reported at this facility since January 2002.

SUPPORTING
DOCUMENTS:

- (1) Location Map
- (2) Tentative Order No. R9-2004-0195
- (3) Waiver of Hearing Form dated May 19, 2004.
- (4) Revised Complaint No. R9-2004-0068.

RECOMMENDATION:

The adoption of tentative Order No. R9-2004-0195 is recommended.